



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,085	04/15/2004	Bernhard B. Sterling	OPTIS.107A

CONFIRMATION NO. 7177

## FORMALITIES LETTER



\*OC000000013107539\*

20995

KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614

Adjustment date: 12/09/2004 SDIRETA1  
 10/27/2004 HAL111 00000064 10825085  
 01 FC:1001 -790.00 OP  
 02 FC:1051 -130.00 OP  
 03 FC:1201 -352.00 OP  
 04 FC:1202 -522.00 OP

Date Mailed: 06/30/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/27/2004 HAL111 00000064 10825085

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 OP  
 02 FC:1051 130.00 OP  
 03 FC:1201 352.00 OP  
 04 FC:1202 522.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$866 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1766** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

12/09/2004 SDIRETA1 00000008 10825085

01 FC:2001 395.00 OP  
 02 FC:2051 65.00 OP  
 03 FC:2202 261.00 OP  
 04 FC:2201 176.00 OP

Repln. Ref: 12/09/2004 SDIRETA1 0012512000  
 DAH:111410 Name/Number:10825085 \$1112.00 CR  
 FC: 9204



**PATENT**

Case Docket No. OPTIS.107A  
Date: October 19, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Bernhard B. Sterling et al.  
App. No. : 10/825,085  
Filed : April 15, 2004  
For : METHOD OF DETERMINING  
ANALYTE CONCENTRATION  
IN A SAMPLE USING  
INFRARED TRANSMISSION  
DATA

Group Art Unit : 2877

Certificate of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 19, 2004

(Date)

*Bruce S. Itchkawitz*  
Bruce S. Itchkawitz, Reg. No. 47,877

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: MAIL STOP MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on June 30, 2004, enclosed are:

- (X) An executed Declaration by Inventors.
- (X) A Power of Attorney Form and copy of Assignment.
- (X) An extension of time to respond for two (2) months is hereby requested.

Time Extension Fee:

- (X) two months (\$430 large entity)
- (X) A copy of the Notice to File Missing Parts.
- (X) A return prepaid postcard.

10/27/2004 HAL111 00000065 10825085

Adjustment 01/26/2004 SDIRETA1 430.00 OP  
10/27/2004 HAL111 00000065 10825085  
01 FC:1252 -430.00 OP

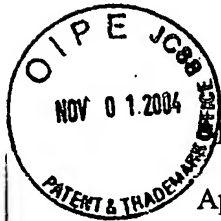
12/09/2004 SDIRETA1 00000008 10825085 215.00 OP  
05 FC:2252

OPTIS.107A

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Bernhard B. Sterling et al.

Appl. No. : 10/825,085

Filed : April 15, 2004

For : METHOD OF DETERMINING  
ANALYTE CONCENTRATION IN  
A SAMPLE USING INFRARED  
TRANSMISSION DATA

Examiner : Unknown

Group Art Unit: 2877

Certificate of Mailing

I hereby certify that this correspondence is being sent via U.S. mail to: Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

October 27, 2004

(Date)

*Bruce S. Itchkawitz*  
Bruce S. Itchkawitz, Reg. No. 47,677

ASSERTION OF SMALL-ENTITY STATUS AND  
REQUEST FOR REFUND UNDER 37 C.F.R. § 1.28(a)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants assert that they are entitled to small-entity status with regard to the above-identified patent application.

Applicants hereby request a refund of excess fees inadvertently paid in connection with the Response to Missing Parts filed on October 19, 2004. Applicants inadvertently filed its Response to Missing Parts, including the application filing fee, for a Large Entity, when the present application actually qualifies for Small Entity status under 37 C.F.R. § 1.27. Therefore, Applicants respectfully request a refund of \$1,112, which is the difference between the fees of \$2,224 paid with the Response to Missing Parts and the \$1,112 actually owed. Please credit Deposit Account No. 11-1410 accordingly.

Appl. No. : 10/825,085  
Filed : April 15, 2004

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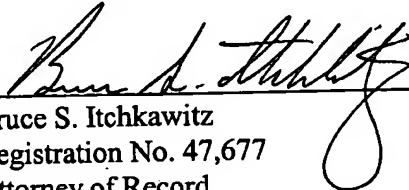
If the Office has any questions with regard to this matter, they are requested to contact the undersigned at (949) 721-2924.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/27/07

By:

  
Bruce S. Itchkawitz  
Registration No. 47,677  
Attorney of Record  
2040 Main Street, Fourteenth Floor  
Irvine, CA 92614

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